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MEMO ENDORSED

August 29, 2017

Via ECF

Honorable Lewis A. Kaplan
United States District Court
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: ***Banco del Austro, S.A. v. Wells Fargo Bank, N.A.*, 1:16-cv-00628 (LAK)**

Dear Judge Kaplan,

Plaintiff, Banco Del Austro, S.A. ("BDA") respectfully requests that the Court extend the time, by two (2) weeks, for the parties to file their summary judgment motions and pretrial order. The current deadline to file the motions for summary judgment and pretrial order is September 14, 2017. BDA respectfully requests a new deadline of September 28, 2017. Defendant, Wells Fargo Bank, N.A. ("WFB"), has advised through counsel that it does not oppose the relief requested herein.

The Parties have taken ten (10) depositions within the last four (4) weeks, exchanged thousands of pages of documents, and have completed discovery. BDA seeks additional time to finalize its analysis of all discovery, prepare its motion for summary judgment, prepare an exhibit list, prepare objections to exhibits, prepare a witness list, and work with counsel for WFB on stipulated facts.

The extension requested is only for two weeks. This would not affect any Court-ordered deadlines, or trial, as there is no trial date set and a trial may not be set in this case if the Court grants a motion for summary judgment. This will provide both parties with sufficient time to address in their motions all of the complex issues in this case, including the following case-dispositive issue: whether the SWIFT Authentication procedure, "with nothing more, constituted a commercially reasonable security procedure in the context of this particular customer-bank relationship." *Banco del Austro, S.A. v. Wells Fargo Bank, N.A.*, 215 F.Supp. 3d 302, 306 (S.D.N.Y. 2016).

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The additional time is sought not only because of the work to be rendered in this case, but also because of work on other matters, including a current international arbitration pending with the International Chamber of Commerce ("ICC"). During the first two weeks of September 2017, counsel for BDA must engage in the only discovery allowed in that arbitration – request, analyze, produce and object to production of documents in a multi-million dollar case.

This is only the second request for additional time to serve and file the pretrial order and motions for summary judgment. The original deadline was September 7, 2017, per the Scheduling Order of February 7, 2017. [ECF 33]. By joint stipulation of the parties approved by the Court, the deadline was extended to September 14, 2017. [ECF 41] due to the fact that (a) the "depositions of the parties' respective 30(b)(6) designees and experts remain[ed] outstanding" and (b) the parties needed additional time to take them. [ECF 41 ¶¶ 1-7].

Accordingly, BDA respectfully requests that the Court grant its request for an extension of the deadline to serve and file summary judgment motions and the pretrial order to September 28, 2017.

Respectfully submitted,

By: */s/ Carlos A. Nunez-Vivas*

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Attorneys for Plaintiff Banco Del Austro, S.A.

Granted

SO ORDERED
9/5/17
LEWIS A. KAPLAN, USDJ